

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 426

Introduced by Assembly Member Hall

February 23, 2009

~~An act relating to diabetes.~~ *An act to add Section 56125.5 to the Education Code, relating to special education.*

LEGISLATIVE COUNSEL'S DIGEST

AB 426, as amended, Hall. ~~Childhood and adolescent diabetes.~~ *Special education: individualized education programs: compliance.*

Existing law requires the Superintendent of Public Instruction to monitor, provide technical assistance, and enforce provisions of state law regarding the provision of special education instruction and services pursuant to the federal Individuals with Disabilities Education Act (IDEA). Existing law requires that the primary focus of the state's monitoring activities be, among other things, on ensuring that public agencies meet the program requirements under state law and the IDEA, with a particular emphasis on those requirements that are most closely related to improving educational results for individuals with exceptional needs.

This bill would require the State Department of Education to impose a monetary sanction, as determined by the Superintendent, on any school that provides instruction in kindergarten and any of grades 1 to 8, inclusive, and fails to implement an individualized education program (IEP) for any pupil in accordance with state and federal law. The bill would allow the parent or guardian of a pupil to file a complaint with the department, on a form provided by the department, alleging a failure to implement an IEP.

~~Existing law authorizes the State Department of Public Health to perform studies, demonstrate innovative methods, and disseminate information relating to the protection, preservation, and advancement of public health.~~

~~This bill would state the intent of the Legislature to enact legislation that would reduce the incidence of childhood and adolescent diabetes in California.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56125.5 is added to the Education Code,
2 to read:
3 56125.5. (a) The department shall impose a monetary sanction,
4 in an amount determined by the Superintendent, on any school
5 that provides instruction in kindergarten and any of grades 1 to
6 8, inclusive, and fails to implement an individualized education
7 program (IEP) for any pupil in accordance with this part and
8 federal law.
9 (b) The parent or guardian of a pupil may file a complaint with
10 the department, on a form provided by the department, alleging a
11 failure to implement an IEP as described in subdivision (a).
12 (c) The department may use amounts collected in satisfaction
13 of sanctions imposed pursuant to this section to pay for any
14 enforcement costs the department incurs in implementing this
15 section, and shall retain any amounts that remain after all of its
16 enforcement costs have been paid.
17 SECTION 1. ~~It is the intent of the Legislature to enact~~
18 ~~legislation that would reduce the incidence of childhood and~~
19 ~~adolescent diabetes in California.~~